

LOGGED

84-2621/1

24 SEP 1984

MEMORANDUM FOR: Executive Director

FROM: Harry E. Fitzwater  
Deputy Director for Administration

SUBJECT: Classified Material in the Possession of  
Former Government Officials

1. This is in response to your request for a review of steps that might be taken to reduce the possibility that former senior Government officials will retain classified material along with their personal papers when they leave the Government.

2. The best solution would be the inclusion of prohibitive language in legislation dealing with unauthorized disclosures. In that regard, on 8 August 1984 the Department of Justice was tasked by the Interagency Group/Countermeasures to formally consult with the National Security Council (NSC) as to how best to craft unauthorized disclosure legislation. The report on the results of the NSC/White House consultation is due mid-October 1984.

3. Given the length of time necessary for the passage of legislation, an interim measure could be considered to have the President issue a clear statement reminding senior officials of their responsibilities in this area. This message could take the form of: an amendment to Executive Order 12356; issuance of a Presidential statement or letter; or issuance of a National Security Decision Directive.

Orig was routed to:  
1. D/OIS  
2. C/ALD/OGC  
(R. Burke)  
2 NIT 17 16 16  
3. C/Secom

~~Administrative - Internal Use Only~~

4. It is believed that the most effective alternative short of legislation, would be amending Section 4.3\* of Executive Order 12356 to prohibit the removal of any classified material for personal use by a government official. Access granted Presidential appointees to classified items that they originated, reviewed, signed or received while serving as an appointee should be reviewed on a case by case basis. Such access must be predicated on a determination by the originating agency that it is consistent with the interest of national security and that appropriate steps have been taken to protect the information from unauthorized disclosure.

\*Sec. 4.3 Access by Historical Researchers and Former Presidential Appointees.

(a) The requirement in Section 4.1(a) that access to classified information may be granted only as is essential to the accomplishment of authorized and lawful Government purposes may be waived as provided in Section 4.3(b) for persons who:

- (1) are engaged in historical research projects, or
- (2) previously have occupied policy-making positions to which they were appointed by the President.

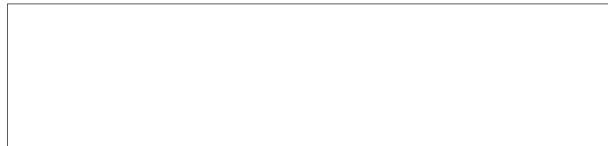
(b) Waivers under Section 4.3(a) may be granted only if the originating agency:

- (1) determines in writing that access is consistent with the interest of national security;
- (2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this Order; and
- (3) limits the access granted to former presidential appointees to items that the person originated, reviewed, signed, or received while serving as a Presidential appointee.

**Administrative - Internal Use Only**

5. Additionally, each senior Government official above a certain designated level should be required to sign a statement upon leaving that he does not have any classified documents stored in nongovernment facilities nor does he intend to take classified documents with him when he leaves the Government. Of course, the official should be informed that if he is not truthful in any such statement that he makes, he will be subject to prosecution under 18 U.S.C. 1001.

6. It must be made absolutely clear in the language of the amendment that senior Government officials have no vested right to appropriate classified material for their own use at any time and most certainly not at their point of departure from Government service.



**HARRY E. FITZWATER**

STAT

**Administrative - Internal Use Only**

Central Intelligence Agency  
Washington, D.C. 20505

29 August 1984

Executive Director

Executive Registry

84-8012

NOTE FOR: DDA

\* DD/A Registry  
84-2621

Harry:

We talked yesterday about energizing the President to take a strong stand with respect to high level Government people taking secure documents with them as they leave their current assignments. It seems to me that the group's sense was that this was an important thing to do and that it was possibly doable. Would you pull together a proposal for the Director's consideration to help us try to solve this problem?

James H. Taylor

STAT

OS REGISTRY

8/31

DCI  
EXEC  
REG